

MIP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

David MIRELES-Paredes,

Defendant

Magistrate Docket No.

07 NOV 21 AM 10:00  
07 NOV 27 20  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

BY

DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

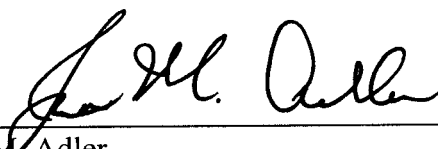
On or about **November 20, 2007** within the Southern District of California, defendant, **David MIRELES-Paredes**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF NOVEMBER,  
2007



Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**David MIRELES-Paredes**

**PROBABLE CAUSE STATEMENT**

On November 20, 2007, Supervisory Border Patrol Agent J. Fillippi was performing Border Patrol duties in an area known as The MG Lot. This area is approximately one mile east of the Otay Mesa, California Port of Entry and forty yards north of the United States/Mexico international boundary. At approximately 10:30pm, Agent J Fillipi observed two individuals exit a ditch north of the international border fence and proceed northbound. One of the subjects observed was later identified as Defendant **David MIRELES-Paredes**. The defendant and another unidentified subject were observed by Agent Fillippi placing a ladder on the secondary fence and gesturing to another group of six individuals to proceed to their location, where they climbed the ladder over the fence and continued north.

Once over the fence the defendant and the other unidentified subject saw Agent Fillippi and began to run. After a brief chase Agent J. Fillippi was able to apprehend the defendant, with the other subject fleeing back south to Mexico. Agent J. Fillippi identified himself as a Border Patrol Agent and questioned the defendant as to his immigration status. The defendant stated he was from Mexico and not in possession of any documents that would allow him to enter or remain in the United States legally. The defendant was transported back to the Chula Vista Border Patrol Station for processing

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 26, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.